

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
06-CV-2516 (JMR/FLN)

C-N-P Northwest, Ltd.,)
d/b/a Cash-N-Pawn)
)
 v.) ORDER
)
Sonitrol Corp., d/b/a)
Sonitrol of the Twin Cities)

Based on the Report and Recommendation [Docket No. 81] by the Honorable Franklin L. Noel, United States Magistrate Judge, and all the files and records herein, and defendant's objections thereto [Docket No. 82], IT IS ORDERED that defendant's motion for partial summary judgment [Docket No. 43] is granted in part and denied in part, as follows:

1. To the extent defendant seeks summary judgment limiting its liability on the breach of contract claim (Count I), the motion is denied.
2. To the extent defendant seeks summary judgment on the claim for breach of an implied contract (Count II), the motion is denied.
3. To the extent defendant seeks summary judgment on the reckless and negligent misrepresentation claims (Counts II and IV), the motion is denied.
4. To the extent defendant seeks summary judgment on the negligence claim (Count V), the motion is granted.

Dated: January 25, 2008

s/ James M. Rosenbaum
JAMES M. ROSENBAUM
United States Chief District Judge